

# **EXHIBIT 3**

**Survey to Assess Consumer Perception of  
a Reliable and a Dependable 3G Network**

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1. I was asked by AT&T and Manatt, Phelps & Phillips, LLP, to conduct a survey among wireless network users to assess their perceptions of a "reliable" and a "dependable" 3G network. As a result, I conducted a national telephone survey among wireless phone users to determine what characteristics consumers associate with a "reliable" and a "dependable" 3G network when using their wireless phones or wireless data cards for Internet or online data activities.

## **SUMMARY OF QUALIFICATIONS AND EXPERIENCE**

### **Credentials and Expertise**

2. I designed the consumer survey, and I oversaw all aspects of the data collection and data analysis. (See Exhibit A for a detailed description of my professional qualifications.) I have conducted marketing research surveys for over 30 years. I am Professor Emeritus of Marketing at American University's Kogod School of Business. I was a faculty member at American University for 28 years, and I served over 10 years as chair of the marketing department. I have taught courses in consumer behavior, marketing research, marketing principles, marketing management, Internet marketing, and marketing and public policy.

3. I received my B.S. degree in Economics from the University of Pennsylvania, my M.B.A. degree from New York University, and my Ph.D. degree in Business Administration from Pennsylvania State University. I was editor of the *Journal of Public Policy & Marketing* from 1992 to 1995, and I was Associate Editor of *The Journal of Consumer Affairs* from 1998 to 2001.

4. My research interests have focused on consumer perception of advertising, labeling, and other marketing materials and on the impact of information disclosures on consumer perceptions. I have published over 60 articles in academic journals, including

*Journal of Marketing, Journal of Consumer Research, Journal of Marketing Research, Journal of Public Policy & Marketing, The Journal of Consumer Affairs, Journal of Personality and Social Psychology, Journal of Experimental Social Psychology, and Journal of the American Medical Association.*

5. From 1976-79, I served as an in-house marketing expert at the Food and Drug Administration (FDA) and at the Federal Trade Commission (FTC), where I evaluated consumer perception of advertising and product labels and designed and conducted marketing research surveys, which included the evaluation of consumer reaction to various types of information. I continue to serve as a consultant for the FTC, having served as the FTC's principal marketing witness in *FTC vs. Novartis* in 1997, *FTC vs. Trans Union* in 1998, *FTC vs. Mercury Marketing* in 2003, and *FTC vs. Telebrands* in 2004. In addition, I have served as a consultant on marketing issues for the FDA, Consumer Product Safety Commission, Department of Justice, Federal Deposit Insurance Corporation, Bureau of Tobacco, Alcohol, and Firearms, U.S. Mint, and the states of California and Vermont.

#### **RESEARCH OBJECTIVE**

6. The objective of the consumer survey that I conducted was to determine the characteristics consumers associate with a "reliable" and a "dependable" 3G network when using their wireless phones or wireless data cards for Internet or online data activities.

#### **SUMMARY OF FINDINGS**

7. I conducted a nationwide survey of 905 wireless phone users 16 years of age or older. The survey involved random dialing of wireless phone customers in all 50 states. There were two groups of respondents interviewed in the study. First, 604 "3G"

respondents were interviewed. These were respondents who in the past 30 days (1) had used their wireless phones to send or receive emails, to access the Internet, to access a GPS, or to access a corporate Intranet, or had used a wireless data card and (2) had been using a wireless phone that was 3G-enabled. Second, as a comparison group, 301 "Voice Only" respondents were interviewed. These were respondents who indicated that they had not in the last 30 days used their wireless phones for any of the five Internet or online data activities (e.g., sending or receiving emails) listed above. The "3G" respondents were asked two questions about the characteristics that they associated with either a "reliable" or a "dependable" 3G network, and the "Voice Only" respondents were asked about the characteristics that they associated a "reliable" or a "dependable" network.

8. A tabulation of the data reveals a significant difference between the responses of the "3G" respondents and the responses of the "Voice Only" respondents. For the "3G" respondents, speed was the most common response associated with a "reliable" 3G network (53.1%) and a "dependable" 3G network (48.2%). On the other hand, "Voice Only" respondents rarely mentioned speed as a characteristic of a "reliable" network (1.3%) or a "dependable" network (4.0%). Accessibility and retainability were more closely linked to a "reliable" and a "dependable" network for "Voice Only" respondents than for "3G" respondents.

## PROCEDURE

### Research Design

9. Survey respondents were divided into two groups. One group of respondents have wireless phones with 3G capability and have used in the past 30 days their 3G networks to send or receive emails, to access the Internet, to access a GPS, to access a corporate Intranet, or to employ a wireless data card. Half of these "3G" respondents was asked about the characteristics that they associate with a "reliable" 3G network when using their wireless phones or wireless data cards for Internet or online data activities. The other half of the "3G" respondents was asked a similar question about a "dependable" 3G network. A second group of respondents ("voice only" comparison group) have wireless phones, but they do not use their wireless phones to send or receive emails, to access the Internet, to access a GPS, or to access a corporate Intranet, and they have not used a wireless data card in the past 30 days. Half of these "voice only" respondents was asked about the characteristics they associate with a "reliable" network when using their wireless phones for making calls. The other half was asked a similar question about a "dependable" network for making calls.
10. International Communications Research (ICR) was responsible for administering the data collection, which was conducted between April 10, 2009 and May 2, 2009. In addition, ICR was responsible for coding and tabulating the survey data. ICR is a full-service marketing research company located in Media, Pennsylvania. ICR was founded in 1983, and it is currently a part of AUS, Inc., an economic consulting firm. ICR is a top-fifty U.S. marketing research company based on sales revenue.